IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21/03/2003

CORAM

THE HONOURABLE MR.JUSTICE A.K.RAJAN

Crl.R.C.No.38 OF 2002

Velusamy ..... Petitioner

-Vs-

1. The State represented by
Sub Inspector of Police
Nagamam Police Station
Coimbatore District
2. Ruthramoorthy
3. Nagaraj
4. Ramasamy
5. Poonkodai ..... Respondents

Prayer: Revision against the order in C.C.No.39 of 1997 on the file of the Judicial Magistrate No.III, Pollachi dated 04.01.2000.

!For Petitioner : Mr.K.Kalyanasundram

^For Respondent : Mr.O.Srinath
Government Advocate for R1
Mr.K.V.Sridharan for R2 to R5

:ORDER

This revision has been filed against the order in C.C.No.39 of 1997 on the file of the Judicial Magistrate No.III, Pollachi dated 04.01.2 000.

2. Originally the accused were charged for the offences under Section 147, 447, 427, 323 (2 counts) 325, 506(II) IPC. According to the prosecution, on 27.05.1996 at about 9.00 a.m, there was a clash between the accused who trespassed into the land of the witnesses and during that quarrel the witnesses sustained injuries. To prove the case of the prosecution, witnesses were examined as P.W.1 to P.W.11 and Exs.P.1 to P.7 were marked on the side of the prosecution. On the face of the evidence adduced, the trial Court acquitted all the accused. Against that judgment, this revision has been filed.

3. The learned counsel for the petitioner contend that when the prosecution witnesses have all spoken to the nature of the accident and how they sustained injury, the trial Court erred in acquitting the accused as if

the charges were not proved.

4. The learned counsel Mr.K.Kalayanasundaram submitted that P.W.2 is aged about 65 years and she was spoken to the fact that she has sustained fracture on her leg. Therefore, when a person has sustained grievous injury, the trial Court ought to have held that the charges have been proved and convicted the accused. Therefore, the judgment of the trial Court is liable to be set aside.

5. Mr.K.V.Sridhar, learned counsel appearing for the respondents submits that accused 1 and 3 have sustained grievous injuries and admittedly the accused also sustained injuries in the very same incident. P.W.11 admits that accused Nos.1 and 3 sustained injuries in the same incident and they are grievous in nature. The trial court rightly acquitted the accused. It is a principle established by this Court as well as the Supreme Court that when the

accused sustained injuries in the very same incident and when those injuries have not been explained by the prosecution, the accused are entitled for an acquittal.

6. In this case, since the injuries sustained by A.1 and A.3 were also in the very same incident and the injuries were not explained by the prosecution, the trial Court rightly acquitted the accused. There is no illegality in the judgment of the trial Court and hence there is no ground interfere with it.
In the result, the revision is dismissed.

Index:Yes
Internet:Yes
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